

**Town of Kinderhook
Planning Board Meeting
March 21, 2013**

Approved

Minutes

The Meeting of the Town of Kinderhook Planning Board was held on Thursday, March 21, 2013 beginning at 7:03pm at the Kinderhook Town Hall, 4 Church Street, Niverville, NY. The meeting was called to order by the Chairwoman, Mary Keegan-Cavagnaro. The Roll was taken by the Secretary.

A. Roll Call

Present:

Mary Keegan-Cavagnaro, Chairwoman
Andy Howard, Attorney
Chris Simonsen
Cheryl Gilbert
Daniel Weiller
Peter Haemmerlein
Guy Rivenburgh
William Butcher
Dale Berlin
Jake Samascott
Nataly Dee, Secretary

Excused:

Patrick Prendergast, Engineer

Absent:

None

B. Correspondence

- 1. Review of Minutes:
 - February 14, 2013
 - February 21, 2013

Approval of minutes will be tabled until next month pending further review and correction.

C. Public Hearings

1. 7:05pm - Josh Flood – Accessory Apartment

The Notice as it appeared in the paper was read by the Secretary.

The applicant addressed the Board and provided a review of the project. The applicant is seeking to build and approximately 800 square foot addition to his house as an accessory apartment for his in-laws. Additional information regarding the septic was provided by the applicant. Information was provided per the Code and the Building Department regarding the connector joining the two structures. The structure is a wood-frame connector with doors at both ends into the dwellings and will be framed with a roof so as to be something structurally sound. A letter from the Department of Health regarding a proposal about adding an additional septic system in lieu of replacing the existing system was provided. An additional 1,000 gallon tank will be installed in addition to the existing system. The plans for such will be added to the approval of the Site Plan. Proposed additional lighting was reflected on the plans. There is plenty of parking and the set backs all conform.

The Chairwoman opened the floor to the public. She invited anyone from the public who may had concerns or questions regarding this application to be heard. There was no one.

A Motion to close the Public Hearing was made by Mr. Berlin. Motion seconded by Mr. Haemmerlein. All in favor; Motion carried. Hearing closed.

The Board was invited to address the applicant and discuss the project.

The Short Form Environmental Assessment (SEQRA) was reviewed by Mr. Howard.

The questions listed below were all answered in the negative.

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C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?
No.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?
No.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?
No.

C4. A community’s existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?
No.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action?
No.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5?
None.

C7. Other impacts (including changes in use of either quantity or type of energy)?
None.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL ARE (CEA)?
No.

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
No.

A Motion of Negative Declaration was made by Mr. Butcher. Motion seconded by Mr. Weiller. All in favor; Motion carried. Negative declaration approved.

A Motion that the project is complete and ready for approval was made by Mr. Samascott. Motion seconded by Mr. Berlin. All but one in favor; Mr. Simonsen abstained. Motion carried. Application approved.

Comment [S1]: Originally omitted

2. 7:15pm – Maret Halinen – Special Use Permit for Bed & Breakfast on Mile Hill Road

A Motion to open the Public Hearing for Maret Halinen was made by Mr. Samascott. Motion seconded by Mr. Haemmerlein. All in favor; Motion carried. Hearing opened.

Mr. Van Alstyne addressed the Board and distributed plans. There have been no updates from the previous plan submitted. There was a discussion about the number of rooms available to let; there was some discrepancy as to whether it is 1 or 1.5 rooms . It was agreed that although the applicant meets the property size requirements for approval of two bedrooms, the application requests approval for one bedroom.

The Chairwoman opened the floor to the public. She invited anyone from the public who may had concerns or questions regarding this application to be heard.

Mr. Robert Hallenbeck, neighbor of the applicant, asked what effect this project could have on his property. He was mostly concerned with the wording of the notice regarding the potential effect on the use of his property. The Board did not see any potential effect on Mr. Hallenbeck’s property. Further, Mr. Howard explained to Mr. Hallenbeck and the public that the purpose of the notice is to alert adjoining property owners of a potential action and that this an opportunity for those individuals to gain information about the proposed project. Mr. Howard also noted that pursuant to this plan, or any approved plan, the approval as stipulated by the Board lays out what the applicant is able to do, and if a person should be aware of a use that does not conform with the approval there is recourse. This in affect protects the neighbors. Ms. Keegan-Cavagnaro

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noted that the Special Use Permit needs to be renewed with the Building Department every two years, at which time there is a review of the use.

A Motion to close the Public Hearing was made by Mr. Weiller. Motion seconded by Mr. Butcher. All in favor. Motion approved; hearing closed.

The project was sent to the County Planning Board. They did not have a quorum to make an action on the application.

The Short Form Environmental Assessment (SEQRA) was reviewed by Mr. Howard.

The questions listed below were all answered in the negative.

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?

No.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?

No.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?

No.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?

No.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action?

No.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5?

None.

C7. Other impacts (including changes in use of either quantity or type of energy)?

None.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

No.

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

No.

A Motion that this application is substantially complete a Negative Declaration was made by Mr. Berlin. Motion seconded by Mr. Samascott. All in favor. Motion carried; negative declaration approved.

A brief discussion about how many rooms are being applied for ensued. It was decided that because the application and site plan indicates one bedroom, approval of the project would be based on one bedroom.

A Motion to approve the application for a Special Use Permit to operate a one bedroom Bed and Breakfast pursuant to Chapter 250, Article V, Section 29-13 stipulating that the proposed use will satisfy the standards for the use and the zoning district was made by Mr. Simonsen. Motion seconded by Mr. Haemmerlein. All in favor. Motion carried; project approved.

3. 7:20 – Novak Farms LLC – Three Lot Subdivision

Mr. Howard recused himself.

A Motion to open the Public Hearing was made by Mr. Berlin. Motion seconded by Mr. Simonsen. All in favor. Motion carried; hearing opened.

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Mr. Daniel Russell, Land Surveyor representing the applicant, distributed updated plans and addressed the Board. Mr. Russell reviewed the project. This is a three lot subdivision consisting of a five acre parcel with an existing house, a 19 acre parcel, and a 47 acre parcel. The 19 acre parcel located to the north of Route 203 is intended to be purchased by Adrianus Ooms. The 47 acre parcel is located on the south side of Route 203. No development is planned for any of the parcels at this time. Consultation with the Department of Transportation resulted in changes to be made to the driveway entrances to increase the site distances. Those changes have been reflected on the plans. Letters from the Department of Health have been submitted and are on file.

There was a question as to whether this project located on a state road needs to go before the County Planning Board. However, subdivisions are included on the list of exclusions. The project was not referred to the county.

The Chairwoman opened the floor to the public. She invited anyone from the public who may have concerns or questions regarding this application to be heard.

Mr. Daniel Schoonover addressed the Board. He inquired about what would be permitted on the three parcels. Zoning permits many uses, though none are currently planned. There is approval of septic sites on the lots, so there could potentially be a house, but there are no plans for such at this time.

Mr. Robert Bob Cramer addressed the Board. He was curious about the two parcels on the south side of the road which are surrounded by the 47 acre parcel. He was informed that they are separate parcels and not included in the current project. Additionally, he asked if there was any consideration of putting the 47 acre parcel into Conservation. He was informed that there was not.

A Motion to close the Public Hearing was made by Mr. Butcher. Motion seconded by Mr. Samascott. All in favor. Motion carried; hearing closed.

The Chairwoman opened the floor to Board discussion. It was discussed making approval conditional upon review by the County Planning Board.

The Short Form Environmental Assessment (SEQRA) was reviewed by the Chairwoman.

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?

No.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?

No.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?

No.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?

No.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action?

No.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5?

None.

C7. Other impacts (including changes in use of either quantity or type of energy)?

None.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

No.

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E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
No.

A Motion of Negative Declaration was made by Mr. Simonsen. Motion seconded by Mr. Berlin. All in favor. Motion carried; declaration declared.

A Motion that the application is complete and ready for conditional approval pending review by the County Planning Board was made by Mr. Berlin. Motion seconded by Mr. Samascott. All in favor; project approved.

The \$200 Recreation Fee was submitted.

4. 7:30 – Cedar Flow Excavations/Deerfield Crossings – Conservation Subdivision

A Motion to open the Public Hearing was made by Mr. Berlin. Motion seconded by Mr. Samascott. All in favor. Motion carried; hearing opened.

Mr. VanAlstyne addressed the Board, distributed plans and reviewed the project. This is a six lot subdivision located on the corner of Route 28 and 28B. It is currently an open field. Five building lots will be created along the road front. The parcel in the back will be conserved. The parcels are approximately 1.3 acres with smallest at just under an acre located on Route 28. Approvals have been received from the Department of Health and the Department of Transportation. Erosion and Sediment Control Plan and the Notice of Intent has been filed with the Department of Environmental Conservation.

Mr. Fix, an adjoining property owner, addressed the Board and questioned how this project would effect the use of his property as stated that it may in the notice he received. While he had no issue with the proposed project, he did bring issue with the wording of the notice he received. Mr. Howard again addressed apprehensions raised by the wording of the notice received by adjoining property owners and reinforced the purpose and intent of such notice.

A Motion to close the Public Hearing was made by Mr. Simonsen. Motion seconded by Mr. Haemmerlein. All in favor. Motion carried; hearing closed.

The Short Form Environmental Assessment (SEQRA) was reviewed by Mr. Howard.

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:

C1. Existing air quality, surface or groundwater quality or quantity, noiselevels, exisiting traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?
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No.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?
No.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?
No.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action?
No.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5?
None.

C7. Other impacts (including changes in use of either quantity or type of energy)?
None.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL ARE (CEA)?
No.

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E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

No.

A Motion of Negative Declaration was made by Mr. Simonsen. Motion seconded by Mr. Rivenburgh. All in favor. Motion carried; Negative Declaration approved.

The floor was opened to the Board for questions and discussion. Confirmation and response from the Department of Environmental Conservation regarding receipt and review of the filed Notice of Intent is still pending. Approval could be made with the condition of confirmation and acknowledgement from the DEC. Pins have been set on the property lines as requested.

A Motion that the project is complete and ready for approval conditional upon confirmation receipt from DEC was made by Mr. Rivenburgh. Motion seconded by Mr. Haemmerlein. All in favor. Motion carried; project conditionally approved.

D. Old Business

1. Drake Petroleum – Site Plan Review for Xtra Mart on Route 9

No one was in attendance to represent the project.

2. Melony Coons – Site Plan Review for Change of Use at former Finish Line

Mr. Butcher and Mr. Haemmerlein recused themselves.

The applicant addressed the Board.

The site plan will be submitted to county for their review.

A Motion that the application is complete and should be referred to County Planning Board for review and that a Public Hearing should be set for April 18 at 7:05pm was made by Mr. Rivenburgh. Motion seconded by Mr. Samascott. All in favor. Motion carried; referral will be made and hearing set.

\$250 for Special Use Permit was remitted by the applicant.

E. New Business

Mr. Laguesse addressed the Board. He would like to open a retail home furnishings store at 3340 US Route 9.

Mr. Butcher asked about the parcels of the property and the available parking. There appears to be sufficient parking. The applicant would need to provide an updated site plan.

The applicant stated that the location has been vacant for more than a year. He would like to clean it up and make it more productive. The applicant was cautioned about the ratio of storage to retail as that would impact additional elements of the project including parking.

F. ZBA Opinions

None

G. Liaisons

1. Village Planning Boards: Nothing new to report.

2. Town Board: Nothing new to report.

3. Comprehensive Plan Review Committee: Addendum will be presented to the Town Board shortly.

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4. NYSEG Project: Nothing new to report.

H. Other

Public Comment

None.

A Motion to adjourn was made by Mr. Butcher. Motion seconded by Mr. Simonsen. All in favor.
Motion carried; Meeting adjourned at 8:50pm.

Respectfully submitted,

Nataly Dee, Secretary